

**DRAFT MEETING MINUTES  
CITY OF MILPITAS**

**Meeting Minutes:** Regular Meeting of the Redevelopment Agency  
(Including Joint Meeting with the City Council)

**Date:** Tuesday, April 18, 2006

**Time:** 7:00 PM

**Location:** City Hall Council Chambers, 455 E. Calaveras Blvd.

**JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

- RA1. CALL TO ORDER** Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 10:05 PM.
- RA2. ROLL CALL** **PRESENT:** Mayor/Chair Esteves, Vice Chair/Vice Mayor Gomez and Agency/Councilmembers Giordano, Livengood and Polanski
- ABSENT:** None
- RA3. MINUTES** Motion: approve the Redevelopment Agency minutes of March 21, 2006, including joint meeting with the City Council, as submitted.
- Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski
- Motion carried by a vote of: AYES: 5  
NOES: 0
- RA 4. Approval of Agenda and Consent Calendar** Motion: approve the agenda and consent calendar for the Agency
- Removed Item No. RA 10 from Consent, and to the front of agenda. Also the Mayor/Chair abstained from voting on Item No. RA9.
- Motion/Second: Agency/Councilmember Livengood / Agency/Councilmember Giordano
- Motion carried by a vote of: AYES: 5  
NOES: 0
- RA 5. Progress Report on Library and Parking Garage** Mark Rogge gave an update on the Library and Garage projects. The work schedule and expenses were right on track, with 60% construction documents submitted, and 95 % documents on the East Parking Garage.
- Some photographs of the inside of the historic building were displayed.
- Motion: Note receipt of oral progress report on the design of the Library and Midtown East Parking Garage; approve Midtown East Parking Garage Plans and Specifications, Cost Estimate, and Pre-Qualification and bidding process and authorize staff to advertise for proposals for the parking garage.
- Motion/Second: Vice Chair/Vice Mayor Gomez / Agency/Councilmember Polanski
- Motion carried by a vote of: AYES: 5  
NOES: 0

Public Speakers:

**Kevin Dayton**, government affairs director for the non-union trade group association in Pleasanton, stated that his members were opposed to Project Labor Agreements, as they do not necessarily ensure the right to peace on jobs. A PLA could increase costs on large construction projects. He believed the city wanted capable, responsible bidders. Usually, the general contractor will complete a job with a mix of union/non-union sub-contractors. And, the contractors then are not allowed to negotiate on the PLA. Mostly, his primary concern was that the PLA would reduce the number of bidders the city would get on a job such as the library.

**Jose Garcia**, executive director of a union, referred to comments from Mr. Dayton. He compared training centers for union halls vs. non-union tradesmen. He had worked for non-union companies, as well as for union. He said there was abuse of workers and minorities, by non-union contractors. A PLA was a good tool to oversee proper payment of wages. Also, he stated there were many PLAs in local counties, mostly via public agencies and all the workers and the governments were happy with the situation.

**Joseph Dimingus**, 405 Local carpenters, spoke from the heart. He had moved to Milpitas in 1954, been at the old City Hall, and went to public schools in town. He did not want to agree with idea that Milpitas would hire non-union people, as this was a union town going back to Ford Motor Co. A good life through the union work, and remember union labor built even the City Hall building, which he worked on this room on the carpentry.

**Mike**, San Jose resident, said he was active in politics in San Jose and other neighboring towns. What do a library and an apprenticeship have in common? Both involved training and investment of the next generation workforce in your community. Properly trained people were essential to success, he felt.

**Neil Struthers**, executive director of the Building Trades Council in Santa Clara County. He represented about 30,000+ construction workers and their families. He thanked the workers who came out to this meeting, and mentioned information he had sent the City Council. He mentioned a specific PLA done in San Francisco for a very large project in that city. There was a study by Peter Philips, of an analysis of districts with/without PLA, in stable environments. Ultimately, a lawsuit was filed on a guy who cheated his workers, against a PLA.

Mr. Struthers strongly urged Council/RDA to support the staff recommendation, to meet with the Building Trades Council and to pursue a PLA.

Councilmember Livengood spoke next, stating his strong support for PLAs, because you get labor peace and that's important. Spending \$40 million of taxpayers money for the library, so he believed everyone who works on the project must be paid prevailing wage and benefits. The only way to ensure that was by a PLA, and no compromise should be made on this. PLAs have been used successfully over the past four to five years in Santa Clara Valley, and they helped bring in on-time and under budget some significant projects. He hoped the City Council agreed.

Councilmember Giordano had reviewed material from both sides. She got a letter from the East Side Unified High School District in San Jose, from which she read an excerpt. That District had no regret in entering into a PLA, with no reduction in the bidders as predicted here. She would support a motion for a PLA.

Councilmember Polanski inquired how does one go about negotiating the PLA? Mr. Rogge would look at others as a benchmark, along with the goals suggested already. So, whatever step was recommended by Council/RDA tonight would be reviewed once approved by Council/RDA. She also asked about rain delays, during construction. Mr. Rogge replied that not much could be done. The issue was that trades that wait on work

by other trades, could stop work sometimes. The PLA would be required to be signed off by each one of the trades involved in the construction project (at the library).

Vice Mayor Gomez announced he was supportive of a PLA, based on his professional work with two large cities, San Francisco and San Jose.

Mayor Esteves, asked staff, assuming there was no PLA, with regard to potential bidders, how many would be union or non-union contractors? Staff reply was "we don't know." Additionally, he asked if there was a PLA, would some contractors not bid? Staff replied yes. The Mayor said when the City entered into contracts, it always supported prevailing wage currently, and staff concurred. The Mayor asked with the timely and successful completion of a project, how does the PLA help that? Mr. Rogge replied that the PLA is an agreement with the labor groups, where you have all on same page, hopeful for better communication, and an agreement to get the work done, so timeliness could be achieved. Accountability would be in the contract per the requirements, staff replied to the Mayor in response to his inquiry about completion of a project.

Mayor Esteves stated he was not comfortable with a PLA, did not want to subject contractors to a PLA, had concerns about and for the number of bidders, and announced that he would not support the PLA tonight.

Vice Mayor Gomez wanted to know the answer regarding the percentage union versus non-union workers in the Bay Area (asked earlier by the Mayor). Mr. Struthers of BTC responded that about 85% of contractors in the Bay Area were probably union, with 15% non-union (though it would be very different in other parts of the country).

Councilmember Polanski had comments about the process, and would want opportunity for all to bid fairly on construction projects in the City. She wanted to move forward and supported the idea of a PLA for major projects.

Motion: authorize staff to negotiate a Project Labor Agreement (PLA) for the construction of the new Milpitas Library, Project No. 8162

Motion/Second: Vice Chair/Vice Mayor Gomez/ Agency/Councilmember Livengood

Motion carried by a vote of:

AYES: 4

NOES: 1 (Esteves)

**\*RA 11.** Lease Agreement With Cingular Wireless

Authorized City Manager as Executive Director of the Redevelopment Agency to execute a lease agreement with Cingular Wireless, subject to approval as to form by the City Attorney.

**\*RA 12.** Contract Change Order for Project No. 8153

For the North Main Street Utilities Project, Weller Lane to Carlo Street Underground Utility District No. 5, Project No. 8153, authorized staff to approve a contract change order, in the amount not to exceed \$95,000 to D'arcy & Harty Construction Inc.

**\*RA 13.** Award Construction Contract to All Seasons Roofing

Rejected low bid (for technical reason) and awarded Construction Contract to All Seasons Roofing, in the amount of \$94,361, for Pump Station Improvements, Project No. 8106 and Oak Creek Pump Station Improvements, Project No. 8140.

**RA 14.**  
**ADJOURNMENT**

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 11:03 PM.

Respectfully submitted by:  
Mary Lavelle,  
Agency Secretary / City Clerk